

Customer Number: 25181

**DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM****UNDER RULE 1.53(b) (former Rule 1.60)**

|               |   |                   |  |  |
|---------------|---|-------------------|--|--|
| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: |                   | PRIOR APPLICATION SERIAL NUMBER:<br>09/163,293 | PRIOR APPLICATION FILING DATE:<br>SEPTEMBER 29, 1998 |
| ROK-001.02    | CLASS: 709                                      | SUBCLASS: 219.000 | EXAMINER: L. LUU                               | ART UNIT: 2152                                       |

ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231

**CERTIFICATION UNDER 37 CFR 1.10**Date of Deposit: December 17, 2001Mailing Label Number: EL 7199178676 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Bill Homan

Name of Person Mailing Paper

Bill Homan

Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/163,293 filed on 09/29/98, of Gregory B. Macintosh, et al. entitled System and Method For Coordinating Supplemental Materials With Broadcast Material.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
- ☒ 49 page(s) of specification
  - ☒ 4 page(s) of Information Disclosure material from parent case
  - ☒ 14 page(s) of claims
  - ☒ 2 page(s) of Revocation and Appointment of Power of Attorney
  - ☒ 1 page(s) of abstract
  - ☒ 13 sheet(s) of drawings
  - ☒ 3 page(s) of declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/163,293 as originally filed on September 29, 1998.

2. ☒ Applicant claims small entity status under 37 CFR 1.9 and 1.27.
3. ☒ The filing fee is calculated below:

|  | NUMBER OF CLAIMS FILED |       |       | NUMBER EXTRA |
|--|------------------------|-------|-------|--------------|
| TOTAL  | * 55                   | MINUS | ** 20 | = 35         |
| INDEP.   | * 12                   | MINUS | *** 3 | = 9          |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS |                        |       |       |              |

## SMALL ENTITY

| RATE      | FEE       |
|-----------|-----------|
| x 9 =     | \$315.00  |
| x 40 =    | \$360.00  |
| +135 =    | \$ .00    |
| BASIC FEE | \$370.00  |
| TOTAL     | \$1045.00 |

4. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 06-1448. A duplicate copy of this sheet is enclosed.

20/484566.1

12/17/01  
JC962 U.S. PTO

10/023214  
10/023214  
12/17/01  
J1017 U.S. PTO

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4. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 06-1448. A duplicate copy of this sheet is enclosed.
5. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed for payment of the filing fee.
6. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the sentences: This application is a continuation and claims priority to U.S. Serial No. 09/163,293, filed 9/28/98.
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☐ New informal drawings are enclosed.
11. ☐ Priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.
- ☐ The certified copy has been filed in prior application serial no. \_\_\_\_\_ filed on \_\_\_\_\_.
- ☐ The certified copy will follow.
12. ☒ The prior application is assigned of record to RadioWave.com, Inc.
13. ☐ A \_\_\_\_\_ month extension of time has been submitted in the parent application Serial No. \_\_\_\_\_ in order to establish copendency with the present application.
14. ☐ Also enclosed is/are \_\_\_\_\_
15. ☒ The power of attorney in the prior application is to Foley, Hoag & Eliot LLP.
- a. ☐ The power appears in the original papers in the prior application.
- b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.
16. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Robert A. Greenberg at **Customer Number: 25181** whose address is:

Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, Massachusetts 02109

17. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 06-1448.

18. ☐ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. \_\_\_\_\_. Please use the computer readable form of application serial no. \_\_\_\_\_ in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. \_\_\_\_\_ are the same.

December 17, 2001

Date

Customer No. 25181

Foly, Hoag & Eliot LLP

One Post Office Square

Boston, Massachusetts 02109

Tel. (617) 832-1000



Robert A. Greenberg

Reg. No. 44,133

☐ inventor(s) ☐ filed under §1.34(a)

☐ assignee of complete interest

☒ attorney or agent of record